

## SEVENTH DAY.

(Monday, May 28, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and developed the fact that there was not a quorum present.

Mr. Simpson moved a call of the House for the purpose of securing a quorum, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all the other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Simpson, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was again called and the following members were present:

Arnold.	Finlay.
Avis.	Frnka.
Baker of Milam.	Gipson.
Baker of Orange.	Greer.
Baldwin.	Hardin of Erath.
Barker.	Harris.
Barrett.	Henderson
Beasley.	of Marion.
Bell.	Henderson
Bird.	of McLennan.
Bonham.	Hendricks.
Burmeister.	Howeth.
Cable.	Irwin.
Carpenter	Jennings.
of Dallas.	Johnson.
Carpenter	Kemble.
of Matagorda.	Lackey.
Carson.	Laird.
Carter of Coke.	Lane.
Carter of Hays.	LeMaster.
Chitwood.	Lewis.
Coffee.	Loftin.
Collins.	Looney.
Covey.	McBride.
Cowen.	McDaniel.
Crawford.	McDonald.
Culp.	McNatt.
Davis.	Martin.
DeBerry.	Mathes.
Dodd.	Maxwell.
Downs.	Melson.
Driggers.	Merritt.
Duffey.	Miller.
Dunlap.	Montgomery.
Dunn.	Moore.
Durham.	Pate.
Edwards.	Patman.
Faubion.	Perdue.
Fields.	Pinkston.

Pool.	Stewart
Pope.	of Edwards.
Potter.	Stewart
Price.	of Galveston.
Purl.	Stewart of Jasper.
Quaid.	Stewart of Reeves.
Quinn.	Stiernberg.
Rice.	Storey.
Russell	Stroder.
of Callahan.	Teer.
Russell of Trinity.	Thompson.
Sanford.	Thrasher.
Satterwhite.	Vaughan.
Shearer.	Wallace.
Simpson.	Wells.
Smith.	Westbrook.
Sparkman.	Wessels.
Stell.	Winfree.
Stevens.	Young.

Absent.

Amsler.	McFarlane.
Bobbitt.	McKean.
Davenport.	Morgan
Dielmann.	of Liberty.
Fugler.	Morgan
Green.	of Robertson.
Hardin	Robinson.
of Kaufman.	Rowland.
Harrington.	Shires.
Houston.	Strickland.
Hughes.	Turner.
Hull.	Williamson.
Jacks.	Wilmans.
Lamb.	Wilson.
LeSturgeon.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Blount.	Patterson.
Bryant.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Satterwhite for last Friday, on motion of Mr. Driggers.

The following members were granted leaves of absence on account of sickness:

Mr. Atkinson for today, on motion of Mr. Barker.

Mr. Abney for today, on motion of Mr. Crawford.

Mr. Dinkle and Mr. Patterson for today, on motion of Mr. Beasley.

Mr. Hughes for last Friday, on motion of Mr. Henderson of McLennan.

Mr. Jones for last Friday and today, on motion of Mr. Quaid.

Mr. Sweet for last Friday, on motion of Mr. Kemble.

Mr. Rogers for today, on motion of Mr. Melson.

Mr. Baker of Orange for today, on motion of Mr. Montgomery.

Mr. Bryant for today and indefinitely, on motion of Mr. Jennings.

#### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Baker of Milam, Mr. Hendricks and Mr. Harris:

H. B. No. 66, A bill to be entitled "An Act to provide for the levy and collecting of a severance tax of five per centum on and of the value of skins or hides taken within this State from any fur-bearing animals mentioned in this act; providing for the issuance of trappers' licenses and the disposition of the license fees; defining offenses and prescribing penalties for the violation thereof; providing certain closed seasons on certain wild fur-bearing animals; making it the duty of the Game, Fish and Oyster Commissioner and his deputies to enforce the provisions; declaring all the wild fur-bearing animals of this State to be the property of the people of this State; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Cowen, Mr. Melson and Mr. Henderson of Marion:

H. B. No. 67, A bill to be entitled "An Act levying and providing for the payment of a State occupation tax on those who, in this State, refine, compound, manufacture, blend or prepare gasoline or gasoline substitutes from petroleum or natural gas and sell same in intrastate commerce in this State; and levying a State occupation tax on those who make the first sale in intrastate commerce in this State of gasoline or gasoline substitute, brought into the State from outside the State which has been refined, compounded, manufactured, blended or prepared from petroleum or natural gas; requiring reports to be made, and records to be

kept, and permitting inspection thereof by proper public officials, and prescribing penalties for failure to comply with the act in order to facilitate collection of such occupation taxes; providing for the interest on delinquent taxes and penalties; making disposition of the taxes after collected; providing for suits for taxes, penalties and interest and compensation of officers bringing same; defining gasoline; declaring the legislative intent as to parts of the act being held invalid; repealing the present gasoline occupation tax law; defining 'person' as used in the act, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

#### BILL ORDERED PRINTED.

On motion of Mr. Simpson, House bill No. 6, reported adversely with a minority favorable report, was ordered printed in the Journal and not otherwise printed.

#### MOTION TO PRINT HOUSE BILL NO. 46.

Mr. Moore moved that House bill No. 46, reported adversely with a minority favorable report, be printed in the Journal and not otherwise printed.

Mr. Thrasher moved to table the motion.

Mr. Moore moved a call of the House for the purpose of maintaining a quorum pending consideration of the motion to print House bill No. 46, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

Mr. Carpenter of Dallas moved that the call of the House be extended until 12 o'clock m. today, and the motion was lost.

The roll was called and a quorum was announced present.

Question recurring on the motion by Mr. Thrasher, to table the motion of Mr. Moore, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—47.

Arnold.

Bell.

Baker of Milam.

Bonham.

Carson.	Maxwell.
Carter of Hays.	Pool.
Chitwood.	Pope.
Coffee.	Potter.
Covey.	Puri.
Cowen.	Quaid.
Crawford.	Quinn.
Culp.	Satterwhite.
DeBerry.	Shearer.
Durham.	Simpson.
Edwards.	Smith.
Frnka.	Sparkman.
Gipson.	Stewart
Henderson	of Galveston.
of Marion.	Stewart of Reeves.
Henderson	Stiernberg.
of McLennan.	Storey.
Hendricks.	Thrasher.
Irwin.	Vaughan.
Kemble.	Wells.
Lackey.	Westbrook.
McNatt.	Winfree.
Mathes.	Young.

Nays—48.

Avis.	Lane.
Barker.	LeMaster.
Barrett.	Looney.
Beasley.	McBride.
Bird.	McDaniel.
Cable.	Martin.
Carpenter	Melson.
of Dallas.	Merritt.
Carpenter	Miller.
of Matagorda.	Moore.
Collins.	Pate.
Davis.	Patman.
Dodd.	Pinkston.
Downs.	Price.
Driggers.	Russell
Duffey.	of Callahan.
Dunn.	Sanford.
Fields.	Stell.
Finlay.	Stevens.
Greer.	Stewart of Jasper.
Hardin of Erath.	Stroder.
Harris.	Teer.
Howeth.	Thompson.
Jennings.	Wallace.
Johnson.	Wessels.
Laird.	

Present—Not Voting.

Mr. Speaker.	Montgomery.
Dunlap.	Perdue.
McDonald.	
Absent.	
Amsler.	Green.
Baldwin.	Hardin
Bobbitt.	of Kaufman.
Burmeister.	Harrington.
Carter of Coke.	Houston.
Davenport.	Hughes.
Dielmann.	Hull.
Faubion.	Jacks.
Fugler.	Lamb.

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LeSturgeon.	Rowland.
Lewis.	Russell of Trinity.
Loftin.	Shires.
McFarlane.	Stewart
McKean.	of Edwards.
Morgan	Strickland.
of Liberty.	Turner.
Morgan	Williamson.
of Robertson.	Wilmans.
Rice.	Wilson.
Robinson.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

Question then recurring on the motion of Mr. Moore, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—43.

Barker.	Johnson.
Barrett.	Laird.
Beasley.	LeMaster.
Burmeister.	Loftin.
Cable.	Looney.
Carpenter	McBride.
of Matagorda.	McDaniel.
Chitwood.	Melson.
Collins.	Merritt.
Covey.	Moore.
Davis.	Pate.
Dodd.	Patman.
Driggers.	Pinkston.
Duffey.	Price.
Dunn.	Rice.
Edwards.	Sanford.
Faubion.	Stell.
Fields.	Stevens.
Finlay.	Stroder.
Greer.	Teer.
Harris.	Wallace.
Irwin.	Wells.

Nays—59.

Arnold.	Crawford.
Avis.	Culp.
Baker of Milam.	DeBerry.
Baldwin.	Downs.
Bell.	Durham.
Bird.	Frnka.
Bonham.	Gipson.
Carpenter	Henderson
of Dallas.	of Marion.
Carson.	Henderson
Carter of Coke.	of McLennan.
Carter of Hays.	Hendricks.
Coffee.	Jennings.
Cowen.	Kemble.

Lackey.	Shearer.
Lane.	Simpson.
McDonald.	Smith.
McNatt.	Sparkman.
Martin.	Stewart
Mathes.	of Edwards.
Maxwell.	Stewart
Miller.	of Galveston.
Montgomery.	Stewart of Jasper.
Pool.	Stewart of Reeves.
Pope.	Stiernberg.
Potter.	Storey.
Purl.	Thompson.
Quaid.	Thrasher.
Quinn.	Vaughan.
Russell	Westbrook.
of Callahan.	Wessels.
Russell of Trinity.	Winfree.
Satterwhite.	Young.

Present—Not Voting.

Howeth.	Perdue.
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Absent.

Amsler.	LeStourgeon.
Bobbitt.	Lewis.
Davenport.	McFarlane.
Dielmann.	McKean.
Dunlap.	Morgan
Fugler.	of Liberty.
Green.	Morgan
Hardin of Erath.	of Robertson.
Hardin	Robinson.
of Kaufman.	Rowland.
Harrington.	Shires.
Houston.	Strickland.
Hughes.	Turner.
Hull.	Williamson.
Jacks.	Wilmans.
Lamb.	Wilson.

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

Mr. Pope moved to reconsider the vote by which the motion to print was lost and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66.

Arnold.	Bird.
Avis.	Bonham.
Baker of Milam.	Carpenter
Baldwin.	of Dallas.

Carpenter	Montgomery.
of Matagorda.	Perdue.
Carson.	Pinkston.
Carter of Coke.	Pool.
Coffee.	Pope.
Collins.	Potter.
Cowen.	Purl.
Crawford.	Quaid.
Culp.	Quinn.
DeBerry.	Russell
Durham.	of Callahan.
Edwards.	Russell of Trinity.
Frnka.	Sanford.
Gipson.	Shearer.
Harris.	Simpson.
Henderson	Smith.
of Marion.	Sparkman.
Henderson	Stewart
of McLennan.	of Edwards.
Hendricks.	Stewart
Jennings.	of Galveston.
Kemble.	Stewart of Jasper.
Lackey.	Stewart of Reeves.
Lane.	Stiernberg.
Lewis.	Storey.
Looney.	Thompson.
McDonald.	Thrasher.
McNatt.	Vaughan.
Mathes.	Westbrook.
Maxwell.	Wessels.
Melson.	Winfree.
Merritt.	Young.
Miller.	

Nays—32.

Barker.	Howeth.
Barrett.	Johnson.
Beasley.	Laird.
Burmeister.	LeMaster.
Cable.	Loftin.
Chitwood.	McBride.
Covey.	McDaniel.
Davis.	Moore.
Dodd.	Pate.
Downs.	Patman.
Driggers.	Stell.
Duffey.	Stevens.
Dunn.	Stroder.
Fields.	Teer.
Finlay.	Wallace.
Greer.	Wells.

Present—Not Voting.

Mr. Speaker.	Rice.
Carter of Hays.	

Absent.

Amsler.	Hardin of Erath.
Bell.	Hardin
Bobbitt.	of Kaufman.
Davenport.	Harrington.
Dielmann.	Houston.
Dunlap.	Hughes.
Faubion.	Hull.
Fugler.	Irwin.
Green.	Jacks.

Lamb.	Robinson.
LeSturgeon.	Rowland.
McFarlane.	Satterwhite.
McKean.	Shires.
Martin.	Strickland.
Morgan	Turner.
of Liberty.	Williamson.
Morgan	Wilmans.
of Robertson.	Wilson.
Price.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 28, 1923.

Hon. R. E. Seagler, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House that the Senate has  
passed

S. B. No. 15, A bill to be entitled  
"An Act making an appropriation to  
carry into effect the provisions of Chap-  
ter 41, General Laws of the First Called  
Session of the Thirty-seventh Legisla-  
ture, and declaring an emergency."

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

#### EXTENDING THANKS TO DR. SHEARER.

Mr. Faubion offered the following res-  
olution:

Whereas, Our distinguished and much  
beloved fellow member, Dr. Shearer, ren-  
dered medical aid to our co-worker, the  
Hon. Lee J. Rountree when he was  
called hence by an all-wise God; first  
aid to Dr. Dodd when he succumbed  
at his post of duty from over-exertion,  
and to many other members of the  
House he has cheerfully rendered aid in  
his quick, unassuming, courteous man-  
ner; therefore, be it

Resolved, That the House give recog-  
nition to the service rendered by our  
esteemed friend and co-worker by a ris-  
ing vote.

Signed—Faubion, Cowen, Westbrook,  
Quinn, Winfree, Turner, Pope, Spark-  
man, Looney, Collins.

The resolution was read second time  
and was adopted by a rising vote.

#### RELATING TO TEACHING OF EVO- LUTION IN PUBLIC SCHOOLS.

Mr. Dodd called up, for consideration  
at this time, resolution offered on last  
Friday by Mr. Stroder, relating to the  
teaching of evolution in public schools.

The resolution having heretofore been  
read second time, and laid on the table  
subject to call.

Question recurring on the resolution,  
yeas and nays were demanded.

The resolution was adopted by the  
following vote:

Yeas—81.

Arnold.	McBride.
Avis.	McDaniel.
Baker of Milam.	McDonald.
Barker.	McNatt.
Beasley.	Martin.
Bell.	Mathes.
Bird.	Maxwell.
Cable.	Melson.
Carpenter	Merritt.
of Dallas.	Miller.
Carson.	Montgomery.
Carter of Hays.	Moore.
Chitwood.	Pate.
Coffee.	Patman.
Collins.	Perdue.
Covey.	Pinkston.
Cowen.	Pope.
Crawford.	Potter.
Culp.	Purl.
Davis.	Quaid.
DeBerry.	Quinn.
Dodd.	Rice.
Downs.	Russell of Trinity.
Driggers.	Sanford.
Duffey.	Satterwhite.
Durham.	Shearer.
Fields.	Smith.
Gipson.	Sparkman.
Greer.	Stell.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart
Henderson	of Galveston.
of McLennan.	Stewart of Jasper.
Howeth.	Stewart of Reeves.
Irwin.	Stroder.
Johnson.	Teer.
Kemble.	Thrasher.
Lackey.	Vaughan.
Laird.	Wallace.
Lane.	Wells.
LeMaster.	Westbrook.
Lewis.	Winfree.
Looney.	Young.

Nays—9.

Baldwin.	Carpenter
Barrett.	of Matagorda.
Burmeister.	Carter of Coke.

Hendricks.	Stevens.
Pool.	Wessels.
Present—Not Voting.	
Mr. Speaker.	Price.
Dunlap.	Russell
Edwards.	of Callahan.
Finlay.	Simpson.
Jennings.	Storey.

## Absent.

Amsler.	LeSturgeon.
Bobbitt.	Loftin.
Bonham.	McFarlane.
Davenport.	McKean.
Dielmann.	Morgan
Dunn.	of Liberty.
Faubion.	Morgan
Frnka.	of Robertson.
Fugler.	Robinson.
Green.	Rowland.
Hardin of Erath.	Shires.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Harrington.	Thompson.
Houston.	Turner.
Hughes.	Williamson.
Hull.	Wilmans.
Jacks.	Wilson.
Lamb.	

## Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

## RELATING TO REDUCING APPROPRIATIONS.

The Speaker laid before the House, as unfinished business, resolution offered by Mr. Patman, relating to reducing appropriations.

The resolution having been read second time on last Friday.

Mr. Greer moved that the resolution be referred to the Committee on Education.

Mr. Purl moved that the resolution be postponed indefinitely.

Mr. Stewart of Edwards moved to table the motion to refer the resolution to Committee on Education.

The motion to table was lost.

Question then recurring on the motion to refer the resolution, yeas and nays were demanded.

The roll was called, and the vote of the House was recorded as follows:

## Yeas—59.

Arnold.	Lane.
Avis.	Lewis.
Baldwin.	Loftin.
Barrett.	McDonald.
Bell.	McNatt.
Bonham.	Martin.
Burmeister.	Mathes.
Carpenter	Maxwell.
of Dallas.	Merritt.
Carpenter	Miller.
of Matagorda.	Moore.
Carson.	Pate.
Carter of Coke.	Perdue.
Chitwood.	Pool.
Covey.	Potter.
Crawford.	Price.
Culp.	Purl.
Dunlap.	Quaid.
Dunn.	Quinn.
Gipson.	Sanford.
Greer.	Satterwhite.
Hardin of Erath.	Shearer.
Harris.	Smith.
Henderson	Stewart
of Marion.	of Galveston.
Henderson	Stewart of Reeves.
of McLennan.	Stiernberg.
Hendricks.	Thrasher.
Irwin.	Vaughan.
Jennings.	Westbrook.
Kemble.	Winfree.
Lackey.	Young.

## Nays—36.

Beasley.	Looney.
Bird.	McBride.
Cable.	McDaniel.
Carter of Hays.	Patman.
Coffee.	Pinkston.
Collins.	Rice.
Davis.	Russell
DeBerry.	of Callahan.
Dodd.	Simpson.
Downs.	Sparkman.
Driggers.	Stell.
Duffey.	Stevens.
Durham.	Stewart
Faubion.	of Edwards.
Fields.	Stewart of Jasper.
Finlay.	Thompson.
Howeth.	Wallace.
Laird.	Wells.
LeMaster.	Wessels.

## Present—Not Voting.

Mr. Speaker.	Stroder.
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## Absent.

Amsler.	Davenport.
Baker of Milam.	Dielmann.
Barker.	Edwards.
Bobbitt.	Frnka.
Bryant.	Fugler.
Cowen.	Green.

Hardin	Morgan
of Kaufman.	of Robertson.
Harrington.	Pope.
Houston.	Robinson.
Hughes.	Rowland.
Hull.	Russell of Trinity.
Jacks.	Shires.
Johnson.	Storey.
Lamb.	Strickland.
LeSturgeon.	Teer.
McFarlane.	Turner.
McKean.	Williamson.
Melson.	Wilmans.
Montgomery.	Wilson.
Morgan of Liberty.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

The roll call developed the fact that there was not a quorum present, and it was so announced.

Mr. Greer moved a call of the House for the purpose of securing a quorum pending consideration of the resolution, and the call was not seconded.

Mr. Patman moved a call of the House for the purpose of securing and maintaining a quorum until 12 o'clock m., and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall, and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Patman, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

Question again recurring on the motion of Mr. Greer, to refer the resolution to the Committee on Education, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—60.

Arnold.	Carpenter
Avis.	of Matagorda.
Baker of Milam.	Carson.
Baldwin.	Carter of Coke.
Barrett.	Chitwood.
Bell.	Covey.
Bonham.	Crawford.
Burmeister.	Culp.
Carpenter	Dunlap.
of Dallas.	Dunn.

Frnka.	Pate.
Gipson.	Perdue.
Greer.	Pool.
Harris.	Pope.
Henderson	Potter.
of Marion.	Purl.
Henderson	Quaid.
of McLennan.	Quinn.
Hendricks.	Russell of Trinity.
Irwin.	Sanford.
Jennings.	Satterwhite.
Kemble.	Shearer.
Lackey.	Smith.
Lane.	Stewart
Lewis.	of Galveston.
Loftin.	Stewart of Reeves.
McDonald.	Stiernberg.
McNatt.	Stroder.
Martin.	Teer.
Mathes.	Thrasher.
Maxwell.	Winfree.
Merritt.	Young.
Montgomery.	

Nays—39.

Barker.	Looney.
Beasley.	McBride.
Bird.	McDaniel.
Cable.	Patman.
Carter of Hays.	Pinkston.
Coffee.	Rice.
Collins.	Russell
Davis.	of Callahan.
DeBerry.	Simpson.
Dodd.	Sparkman.
Downs.	Stell.
Driggers.	Stevens.
Duffey.	Stewart
Durham.	of Edwards.
Faubion.	Stewart of Jasper.
Fields.	Thompson.
Finlay.	Vaughan.
Howeth.	Wallace.
Johnson.	Wells.
Laird.	Wessels.
LeMaster.	

Present—Not Voting.

Mr. Speaker.	Price.
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Absent.

Amsler.	Hughes.
Bobbitt.	Hull.
Bryant.	Jacks.
Cowen.	Lamb.
Davenport.	LeSturgeon.
Dielmann.	McFarlane.
Edwards.	McKean.
Fugler.	Melson.
Green.	Miller.
Hardin of Erath.	Moore.
Hardin	Morgan
of Kaufman.	of Liberty.
Harrington.	Morgan
Houston.	of Robertson.

Patterson.  
Robinson.  
Rowland.  
Shires.  
Storey.  
Strickland.

Turner.  
Westbrook.  
Williamson.  
Wilmons.  
Wilson.

Absent—Excused.

Abney.  
Atkinson.  
Baker of Orange.  
Blount.  
Dinkle.  
Jones.

Lusk.  
Merriman.  
Rogers.  
Sackett.  
Sweet.

#### HOUSE BILL NO. 2 ON ENGROSSMENT.

The Speaker laid before the House as unfinished business, on its passage to engrossment,

H. B. No. 2, A bill to be entitled "An Act to amend Articles 7369, 7371, 7372, 7373, 7378 and 7382 of Chapter 2, Title 126, of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz: express companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, interurban and electric railway companies and telephone companies; providing for an increase of the gross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved, a full and complete record of all business, and said record shall be open to the inspection of all tax officers of the State; and also providing further, that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 126, of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of this chapter, and declaring an emergency."

The bill having heretofore been read second time, with amendment by Mr. Smith, and motion by Mr. Patman to table the amendment pending.

Question recurring on the motion to table, it prevailed.

Mr. Patman offered the following amendments to the bill:

Amend House bill No. 2, printed bill, by striking out the number "7378b,"

in line 27, page 5, and insert in lieu thereof the figures "7383b."

Amend House bill No. 2, printed bill, by striking out the figures, "7387," on page 3, line 36, and insert "7378" in lieu thereof.

Amend House bill No. 2, printed bill, page 4, by striking out all of lines 6, 7 and 8 from the word "said," in line 6, to and including the word "following," in line 8.

Strike out the following language in House bill No. 2, printed bill, beginning with and including the word "said," page 2, line 17, down to and including the word "following," page 2, line 20.

The amendments were severally adopted.

Mr. Culp offered the following amendment to the bill:

Amend House bill No. 2, page 3, line 34, by striking out the words "three per cent." and insert in lieu thereof the figures and words "four (4) per cent."

The amendment was adopted.

Mr. Culp offered the following amendment to the bill:

Amend House bill No. 2, page 2, by striking out the words beginning on line 30, page 2, as follows: "Provided, further, that where any such company operates in more than one town or city it shall be liable for the taxes measured by the population of the largest town or city."

The amendment was adopted.

#### RELATING TO ADJOURNMENT SINE DIE.

Mr. Carpenter of Dallas offered the following resolution:

H. C. R. No. 7, Providing for adjournment sine die.

Resolved by the House of Representatives, the Senate concurring, That the Third Called Session of the Thirty-eighth Legislature of the State of Texas adjourn sine die June 2, 1923, at 12 o'clock noon.

Signed—Carpenter of Dallas, Pope.

The resolution was read second time.

On motion of Mr. Quaid, the resolution was laid on the table subject to call.

#### SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 15, to the Committee on Appropriations.

#### MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindall, Assistant Secretary to the Governor, appeared at the bar of the House, and being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Governor's Office,  
Austin, Texas, May 28, 1923.

To the Members of the Thirty-eighth Legislature, Third Called Session.

Gentlemen: Those who essay the task of raising the revenue and of spending the money necessary for the economic administration of a government of five million people, assume a grave responsibility. This responsibility was accepted by the individuals who compose the present legislative body. In assuming the duties of your office, under the Constitution of the State, you took upon yourselves the task of providing the money and appropriating same to the support of the State government and the maintenance of her institutions. Our Constitution does not confer upon the Governor the power either to levy taxes or to make appropriations, this being solely a legislative function.

Upon the adjournment of the Second Called Session of the Thirty-eighth Legislature it was estimated that there had been appropriated approximately eight million dollars more money than the estimated income of the State. In view of this wide discrepancy I had a constitutional duty to perform, and, therefore reconvened you in Special Session in order that you might adjust the wide difference either by providing additional revenue or by reducing the appropriations made. The Third Called Session of the Legislature has now been in session thirteen days, and so far no material progress has been made in adjusting this discrepancy.

I trust it will not be deemed improper for me to advise you that unless some decisive, meaningful action is taken within the next day or two to harmonize the authorized appropriations with the estimated available revenue, I shall consider it my duty to veto the appropriation bills now on my desk.

Yours sincerely,  
PAT M. NEFF,  
Governor.

#### BILL RE-REFERRED.

On motion of Mr. Westbrook, Senate bill No. 15 was withdrawn from the Committee on Appropriations and referred to the Committee on Agriculture.

#### RECESS.

On motion of Mr. Simpson, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

#### BILL RE-REFERRED.

On motion of Mr. Lackey, House bill No. 42 was withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Appropriations.

#### HOUSE BILL NO. 2 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 2, providing for occupation tax on express companies, gas, light, etc., on its passage to engrossment.

Mr. Patman offered the following amendment to the bill:

Amend caption of House bill No. 2 by striking out "738b" in line 16, page 1, and inserting "7383b."

The amendment was adopted.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 2, page 2, line 22, by striking out the words "five thousand" and insert the words "eight thousand."

The amendment was adopted.

House bill No. 2 was then passed to engrossment.

#### HOUSE BILL NO. 2 ON THIRD READING.

Mr. Patman moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 2 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—85.

Mr. Speaker.	Barker.
Arnold.	Beasley.
Baldwin.	Bell.

Bonham.	Martin.
Burmeister.	Mathes.
Cable.	Maxwell.
Carpenter	Melson.
of Dallas.	Merritt.
Carpenter	Miller.
of Matagorda.	Montgomery.
Carson.	Moore.
Carter of Coke.	Morgan
Carter of Hays.	of Liberty.
Chitwood.	Pate.
Coffee.	Patman.
Crawford.	Perdue.
Davis.	Pinkston.
DeBerry.	Price.
Dodd.	Purl.
Downs.	Rice.
Driggers.	Robinson.
Duffey.	Russell of Trinity.
Dunlap.	Sanford.
Dunn.	Satterwhite.
Durham.	Shearer.
Edwards.	Simpson.
Faubion.	Sparkman.
Finlay.	Stell.
Frnka.	Stewart
Greer.	of Edwards.
Hardin of Erath.	Stewart
Harris.	of Galveston.
Henderson	Stewart of Jasper.
of Marion.	Stewart of Reeves.
Hendricks.	Stiernberg.
Howeth.	Stroder.
Irwin.	Teer.
Jennings.	Thompson.
Kemble.	Thrasher.
Lackey.	Wallace.
Laird.	Wells.
Lane.	Westbrook.
LeMaster.	Wilms.
Loftin.	Winfree.
McDaniel.	Young.
McNatt.	

Nays—15.

Collins.	Looney.
Covey.	Pool.
Cowen.	Pope.
Culp.	Quaid.
Gipson.	Russell
Green.	of Callahan.
Henderson	Storey.
of McLennan.	Wessels.
Lewis.	

Present—Not Voting.

Bird.

Absent.

Amsler.	Hardin
Avis.	of Kaufman.
Baker of Milam.	Harrington.
Barrett.	Houston.
Bobbitt.	Hughes.
Davenport.	Hull.
Dielmann.	Jacks.
Fields.	Johnson.
Fugler.	Lamb.

LeSturgeon.	Rowland.
McBride.	Shires.
McDonald.	Smith.
McFarlane.	Stevens.
McKean.	Strickland.
Morgan	Turner.
of Robertson.	Vaughan.
Potter.	Williamson.
Quinn.	Wilson.

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

The Speaker then laid House bill No. 2 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—71.

Arnold.	McBride.
Baldwin.	McDaniel.
Barker.	McDonald.
Beasley.	McNatt.
Bell.	Martin.
Bonham.	Mathes.
Cable.	Melson.
Carpenter	Merritt.
of Matagorda.	Miller.
Carter of Coke.	Montgomery.
Carter of Hays.	Moore.
Chitwood.	Pate.
Coffee.	Patman.
Crawford.	Perdue.
Davis.	Pinkston.
DeBerry.	Price.
Dodd.	Purl.
Downs.	Rice.
Driggers.	Robinson.
Duffey.	Sanford.
Dunlap.	Satterwhite.
Durham.	Shearer.
Edwards.	Simpson.
Faubion.	Sparkman.
Finlay.	Stell.
Frnka.	Stewart
Greer.	of Edwards.
Harris.	Stewart of Jasper.
Henderson	Stiernberg.
of Marion.	Stroder.
Hendricks.	Teer.
Howeth.	Thompson.
Kemble.	Thrasher.
Lackey.	Wallace.
Laird.	Wells.
Lane.	Westbrook.
LeMaster.	Wilms.

Nays—29.

Avis.

Bird.

Burmeister.	Loftin.
Carpenter	Looney.
of Dallas.	Maxwell.
Carson.	Morgan
Collins.	of Liberty.
Covey.	Pool.
Culp.	Pope.
Dunn.	Quaid.
Gipson.	Russell
Green.	of Callahan.
Hardin of Erath.	Stewart
Henderson	of Galveston.
of McLennan.	Stewart of Reeves.
Irwin.	Storey.
Jennings.	Wessels.
Lewis.	Young.

Present—Not Voting.

Mr. Speaker.

Absent.

Amsler.	LeSturgeon.
Baker of Milam.	McFarlane.
Baker of Orange.	McKean.
Barrett.	Morgan
Bobbitt.	of Robertson.
Cowen.	Potter.
Davenport.	Quinn.
Dielmann.	Rowland.
Fields.	Russell of Trinity.
Fugler.	Shires.
Hardin	Smith.
of Kaufman.	Stevens.
Harrington.	Strickland.
Houston.	Turner.
Hughes.	Vaughan.
Hull.	Williamson.
Jacks.	Wilson.
Johnson.	Winfree.
Lamb.	

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Blount.	Patterson.
Bryant.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

#### HOUSE BILL NO. 8 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 8, A bill to be entitled "An Act to amend Chapter 2, Title 126, of the Revised Statutes of the State of Texas, 1911, relative to the levy of occupation taxes based on gross receipts, by adding a new Article 7376a, said article extending the provisions of said chapter so as to include each and every person, association of persons or corporation created by the laws of this or

any other State or nation, which shall engage, in their own name or in the name of others, in the wholesale business of coal oil, fuel oil, naphtha, benzine, or any other mineral oils refined from petroleum; levying a tax of one-half per cent, and declaring an emergency."

The bill was read second time.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 8 by striking out all after the enacting clause and inserting the following:

Section 1. Each and every individual, company, corporation or association which shall engage in their own name, or in the name of others, in the wholesale business of coal oil, fuel oil, naphtha, benzine, gasoline or any other mineral oils refined from petroleum, shall pay an annual tax of one-half of one per cent upon their gross receipts from any and all sales in this State of any of said articles hereinabove mentioned and an annual tax of one-half of one per cent of the cash market value of any and all of said articles that may be received or possessed or handled or disposed of in any manner other than by sale in this State; and it is hereby expressly provided that delivery to or possession by any person, association of persons, or corporations in this State of any of the articles hereinabove mentioned from whatever source the same may have been received, shall for the purpose of this act be held and considered such a sale and such ownership and possession of such articles and property (where no sale is made) as will and shall subject the same to the tax herein provided for. Said tax herein provided for shall be paid to the State Treasurer quarterly, and every such person, agent, association of persons or corporation so owning, controlling or managing such business shall, on or before the first day of July and quarterly thereafter, report to the Comptroller under oath of the president, treasurer, superintendent, or some other officer of said corporation or association, or some duly authorized agent thereof, the amount received by them from such business in this State. Should any person, association of persons or corporation, or the officers or agents of any such corporation, persons, or association of persons herein named, fail to make the report herein provided for, and pay said taxes for thirty days after the

termination of any quarter of the year, then he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than nor more than one hundred dollars. Each and every day after thirty days have expired shall be deemed a separate offense. In addition thereto in the event of the failure of the officers or agents of any such company or corporation or person to make the reports and pay said taxes for thirty days after the termination of any quarter of the year, each and every such person, company or corporation, or their officers or agents so failing, shall forfeit and pay to the State the sum of twenty-five dollars for each day said report and payment are delayed, which forfeiture and taxes shall be sued for by the Attorney General in the name of the State. For the purpose of suits and prosecutions provided for in this act, venue and jurisdiction are hereby expressly conferred upon the courts of Travis county; and service may be had upon any officer or agent of such company or corporation in the State, and such service shall in all respects be held legal and valid. The tax herein imposed shall be in addition to all other taxes levied by law.

Sec. 2. Each and every individual, company, corporation or association mentioned in Section one (1) of this act shall cause to be made, and to be kept and preserved, a full and complete record of all sales in this State of any of said articles mentioned in said article and all of said articles that may be received or possessed or handled or disposed of in any manner than by sale in this State, and said record shall be open to the inspection of all tax officers of this State.

Sec. 3. If any section, portion, clause or sentence of this act should be held to be unconstitutional or invalid, for any reason, the remainder of the act shall nevertheless remain in force and effect.

Sec. 4. The fact that there is no law at this time requiring an occupation tax on the subjects herein included, and the further fact that the State Treasury is in a depleted condition, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act shall take effect and be in force from and after its passage,

and said rule is hereby suspended, and it is so enacted.

Mr. Gipson moved that further consideration of the bill be postponed until 10 o'clock a. m. tomorrow.

On motion of Mr. Patman, the motion to postpone was tabled.

On motion of Mr. Carpenter of Dallas, the bill was set as a special order for 2 o'clock p. m. tomorrow.

#### HOUSE BILL NO. 25 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 25, A bill to be entitled "An Act amending Section 13 of Article 7355, Revised Civil Statutes of the State of Texas, 1911, imposing an occupation tax upon theatrical, dramatic and musical comedy shows and amusements for which pay for admission is demanded or received, and which travel from place to place and give exhibitions, the amount of tax to be determined according to the number of inhabitants in cities and towns affected by this act and by the amount charged for admission; making certain exemptions from the provisions of this act, and declaring an emergency."

The bill was read second time.

Mr. Lackey offered the following (committee) amendment to the bill:

Strike out Section 1 and insert the following:

Section 1. Article 7355, Section 13, Revised Civil Statutes of the State of Texas of 1911, is hereby amended so as to hereafter read as follows:

Article 7355, Section 13. From every theatrical or dramatic representation and from every musical comedy show and from all similar amusements for which pay for admission is demanded or received, that travel from place to place and give exhibitions, shows or performances in towns and cities of five thousand inhabitants or less, five dollars; in towns or cities of over five thousand inhabitants and under fifteen thousand inhabitants, a tax of twelve dollars and fifty cents; in towns and cities of fifteen thousand or more inhabitants, a tax of twenty dollars per day for each day such performances, shows or amusements may be given or exhibited; provided that the population shall be determined for the last preceding United States census; provided that when the charge for admis-

sion demanded or received exceeds fifty cents for any performance, the tax herein provided for shall be doubled; and provided that the charge demanded or received for reserved seats shall be considered as a part of the charge for admission. Provided, however, that theatrical, dramatic and other representations, shows and amusements herein named, when given for instruction only, or entirely for charitable purposes, and when not given for private profit, shall be exempted from the payment of such tax. Provided, further, that nothing herein contained shall be construed to apply to circuses, carnivals, moving picture shows and exhibitions or to regularly established and recognized opera houses or theaters, it being the object and purpose of this act to impose a tax upon such shows, amusements and representations as are given by performers traveling from place to place giving exhibitions for private profit other than in regularly established and recognized places of amusement.

(Mr. Price in the chair.)

Mr. Harris offered the following substitute for the (committee) amendment:

Amend House bill No. 25 by striking out all below line 19, page 1, down to and including line 9, page 2, and insert in lieu thereof the following:

"Article 7355, Sec. 13. From every theater or dramatic representation for which pay for admission is demanded or received in towns or cities of 1500 inhabitants, two dollars; in towns or cities of 1500 and not over 3000, four dollars; in towns and cities of over 3000 and not less than 5000, six dollars; in towns and cities over 5000 and not over 10,000, eight dollars; and in towns and cities of over 10,000 inhabitants, ten dollars per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instructions only, or entirely for charitable purposes, shall not be herein included; provided, however, that this tax shall not be collected where the performances are exhibited in regularly recognized opera houses or theaters; but in lieu of said tax, the managers of said opera houses or theaters shall pay an annual occupation tax of thirty-five dollars."

On motion of Mr. Baldwin, the substitute was tabled.

Question recurring on the (committee) amendment, it was lost.

Mr. Wessels offered the following amendment to the bill:

Amend House bill No. 25, on page 1, line 25, by striking out the figures "\$5" and place in lieu thereof "\$1," and provided further, the provisions of this bill shall not apply to school entertainments.

On motion of Mr. Baldwin, the amendment was tabled.

Mr. Carson moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 25, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Carpenter of Dallas, the Sergeant-at-Arms was instructed to bring in all absentees within the Capitol.

The roll was called and a quorum was announced present.

Question then recurring on the engrossment of House bill No. 25, yeas and nays were demanded.

House bill No. 25 was then passed to engrossment by the following vote:

Yeas—68.

Baker of Milam.	Laird.
Baldwin.	Lane.
Bonham.	LeMaster.
Cable.	Looney.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carter of Coke.	McDonald.
Carter of Hays.	McNatt.
Coffee.	Martin.
Covey.	Mathes.
Crawford.	Maxwell.
Culp.	Melson.
Davis.	Merritt.
DeBerry.	Montgomery.
Dodd.	Moore.
Downs.	Morgan
Driggers.	of Liberty.
Duffey.	Pate.
Dunlap.	Patman.
Dunn.	Perdue.
Durham.	Pinkston.
Edwards.	Price.
Fields.	Rice.
Finlay.	Robinson.
Frnka.	Russell of Trinity.
Greer.	Sanford.
Henderson	Satterwhite.
of Marion.	Shearer.
Howeth.	Simpson.
Kemble.	Stell.

Stewart	Stroder.
of Edwards.	Teer.
Stewart	Thompson.
of Galveston.	Thrasher.
Stewart of Jasper.	Wallace.
Stewart of Reeves.	Wells.
Stiernberg.	Westbrook.

## Nays—30.

Arnold.	Johnson.
Avis.	Lackey.
Barker.	Miller.
Barrett.	Pool.
Beasley.	Pope.
Burmeister.	Purl.
Carpenter	Quaid.
of Dallas.	Russell
Carson.	of Callahan.
Chitwood.	Shires.
Collins.	Smith.
Cowen.	Sparkman.
Gipson.	Storey.
Green.	Wessels.
Hardin of Erath.	Winfree.
Harris.	Young.

## Present—Not Voting.

Bird.	Jennings.
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## Absent.

Amsler.	Lamb.
Baker of Orange.	LeSturgeon.
Bell.	Lewis.
Bobbitt.	Loftin.
Davenport.	McFarlane.
Dielmann.	McKean.
Faubion.	Morgan
Fugler.	of Robertson.
Hardin	Potter.
of Kaufman.	Quinn.
Harrington.	Rowland.
Henderson	Stevens.
of McLennan.	Strickland.
Hendricks.	Turner.
Houston.	Vaughan.
Hughes.	Williamson.
Hull.	Wilmans.
Irwin.	Wilson.
Jacks.	

## Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Blount.	Patterson.
Bryant.	Rogers.
Dinkle.	Sackett.
Jones.	Sweet.

Mr. Carpenter of Dallas moved that the call of the House be extended until 4:30 o'clock p. m. today, and the motion was lost.

## RELATING TO HOUSE BILL NO. 40.

Mr. Lackey called up for consideration at this time the motion to reconsider the vote by which an amendment striking out the enacting clause to House bill No. 40 was adopted, which motion to reconsider was on last Friday spread on the Journal.

Due notice having been given that same would be called up for consideration today.

Question recurring on the motion to reconsider, yeas and nays were demanded.

The motion to reconsider was lost by the following vote:

## Yeas—42.

Barker.	Mathes.
Bonham.	Melson.
Carpenter	Merritt.
of Matagorda.	Pinkston.
Carson.	Potter.
Carter of Coke.	Robinson.
Carter of Hays.	Russell of Trinity.
Covey.	Shearer.
Davis.	Simpson.
DeBerry.	Smith.
Downs.	Stell.
Driggers.	Stevens.
Dunlap.	Stewart
Faubion.	of Edwards.
Fields.	Stewart of Jasper.
Finlay.	Stewart of Reeves.
Howeth.	Stiernberg.
Kemble.	Storey.
Lackey.	Teer.
LeMaster.	Thrasher.
McBride.	Wallace.
McNatt.	Wilmans.

## Nays—56.

Arnold.	Edwards.
Avis.	Frnka.
Baldwin.	Gipson.
Barrett.	Green.
Beasley.	Greer.
Bell.	Hardin of Erath.
Bird.	Harris.
Burmeister.	Henderson
Cable.	of Marion.
Carpenter	Henderson
of Dallas.	of McLennan.
Chitwood.	Irwin.
Coffee.	Lane.
Collins.	Lewis.
Cowen.	Loftin.
Crawford.	Looney.
Culp.	McDaniel.
Dodd.	McDonald.
Duffey.	Martin.
Dunn.	Maxwell.
Durham.	Miller.

Moore.	Russell
Morgan	of Callahan.
of Liberty.	Satterwhite.
Perdue.	Sparkman.
Pool.	Stroder.
Pope.	Thompson.
Price.	Wells.
Purl.	Westbrook.
Quaid.	Wessels.
Rice.	Young.

Present—Not Voting.

Jennings.	Patman.
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Absent.

Amsler.	McFarlane.
Baker of Milam.	McKean.
Bobbitt.	Montgomery.
Davenport.	Morgan
Dielmann.	of Robertson.
Fugler.	Pate.
Hardin	Quinn.
of Kaufman.	Rowland.
Harrington.	Sanford.
Hendricks.	Shires.
Houston.	Stewart
Hughes.	of Galveston.
Hull.	Strickland.
Jacks.	Turner.
Johnson.	Vaughan.
Laird.	Williamson.
Lamb.	Wilson.
LeSturgeon.	Winfree.

Absent—Excused.

Abney.	Lusk.
Atkinson.	Merriman.
Baker of Orange.	Patterson.
Blount.	Rogers.
Bryant.	Sackett.
Dinkle.	Sweet.
Jones.	

#### HOUSE BILL NO. 28 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 28, A bill to be entitled "An Act amending Section 14 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911, relative to occupation taxes; fixing the amount of taxes to be levied on circuses, shows, amusement companies, trained animal shows, wild west shows and other companies of similar kind and character; conferring upon counties, incorporated cities, towns and villages authority to levy occupation taxes; providing for the bringing of suit for the collection of such taxes due the State of Texas and fixing the venue thereof; making certain exemptions from the provisions of this

act; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Mr. Smith offered the following (committee) amendment to the bill:

Amend House bill No. 28, Section 1, by striking out "two dollars" and insert "one dollar."

The amendment was lost.

Mr. Smith offered the following (committee) amendment to the bill:

Amend House bill No. 28, Section 1, at end of first paragraph, by striking out "ten" and insert "five."

The amendment was lost.

House bill No. 28 was then passed to engrossment.

(Speaker in the chair.)

#### HOUSE BILL NO. 35 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 35, A bill to be entitled "An Act to amend House bill No. 17, passed at the Regular Session of the Thirty-eighth Legislature of Texas, and approved by the Governor January 31, 1923, the act amended being an act requiring the Board of Water Engineers and the State Reclamation Engineer in conformity to the statute determining their powers and duties to make and cause to be made, and report to the Governor, an adequate topographic and hydrographic survey of the stream water sheds of the State, to the end that flood control, water conservation and economic utilization in reclamation development may be made practicable; advancing all such work as found feasible in accordance with the relative importance to the public welfare; directing the order in which said surveys and reports shall be made; providing for an appropriation to carry out the provisions of this act, and declaring an emergency."

The bill was read second time.

Mr. Melson offered the following amendment to the bill:

Amend House bill No. 35 by striking out all after the enacting clause and insert the following:

Section 1. That the act of the Legislature approved January 31, 1923, being House bill No. 17, enacted by the Thirty-eighth Legislature, at its Regular Session, and more fully described in the caption hereof, be and the same is hereby in all things repealed.

Sec. 2. The fact that the State government is now on a deficiency, together with the fact that the act herein repealed, made an appropriation totaling \$600,000 which is needed for the support of the State government, and the appropriation of this amount for the purpose for which it was appropriated may be dispensed with, or at least postponed, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and that this act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

Mr. Burmeister moved that further consideration of the bill be postponed until 10 o'clock a. m. next Wednesday.

Mr. Price moved to table the motion to postpone.

Yeas and nays were demanded and the roll call on the motion to table developed the fact that there was not a quorum present.

Mr. Finlay moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 35, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Culp, the Sergeant-at-Arms was instructed to bring in all absentees within the Capitol.

Mr. Purl moved that the House adjourn until 10 o'clock a. m. tomorrow, and the motion was lost.

On motion of Mr. Loftin, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

#### ADJOURNMENT.

Mr. Chitwood moved that the House adjourn until 10 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn prevailed by the following vote:

Yeas—53.

Arnold.	Carson.
Baker of Milam.	Chitwood.
Barrett.	Coffee.
Bird.	Collins.
Burmeister.	Covey.
Carpenter	Cowen.
of Dallas.	Duffey.

Dunlap.	Pool.
Dunn.	Pope.
Durham.	Potter.
Faubion.	Purl.
Frnka.	Quaid.
Gipson.	Quinn.
Henderson	Robinson.
of Marion.	Russell of Trinity.
Irwin.	Satterwhite.
Lackey.	Shearer.
Lane.	Shires.
LeMaster.	Smith.
McDonald.	Sparkman.
McNatt.	Stevens.
Martin.	Stewart of Reeves.
Maxwell.	Stroder.
Merritt.	Teer.
Miller.	Wells.
Montgomery.	Wessels.
Moore.	Winfree.
Pinkston.	

Nays—40.

Avis.	Loftin.
Baldwin.	Looney.
Barker.	McBride.
Beasley.	McDaniel.
Bell.	Melson.
Bonham.	Morgan
Cable.	of Liberty.
Carpenter	Patman.
of Matagorda.	Perdue.
Culp.	Price.
Davis.	Rice.
DeBerry.	Russell
Dodd.	of Callahan.
Downs.	Stell.
Driggers.	Stewart of Jasper.
Edwards.	Storey.
Fields.	Thrasher.
Finlay.	Wallace.
Greer.	Westbrook.
Harris.	Wilmans.
Howeth.	Young.
Jennings.	

Absent.

Amsler.	Johnson.
Bobbitt.	Kemble.
Carter of Coke.	Laird.
Carter of Hays.	Lamb.
Crawford.	LeStourgeon.
Davenport.	Lewis.
Dielmann.	McFarlane.
Fugler.	McKean.
Green.	Mathes.
Hardin of Erath.	Morgan
Hardin	of Robertson.
of Kaufman.	Pate.
Harrington.	Rowland.
Henderson	Sanford.
of McLennan.	Simpson.
Hendricks.	Stewart
Houston.	of Edwards.
Hughes.	Stewart
Hull.	of Galveston.
Jacks.	Stiernberg.

Strickland.  
Thompson.  
Turner.

Vaughan.  
Williamson.  
Wilson.

Absent—Excused.

Abney.  
Atkinson.  
Baker of Orange.  
Blount.  
Bryant.  
Dinkle.  
Jones.

Lusk.  
Merriman.  
Patterson.  
Rogers.  
Sackett.  
Sweet.

The House accordingly, at 5:20 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

#### APPENDIX.

The following standing committees have today filed favorable reports on bills as follows:

Revenue and Taxation—House bills Nos. 7, 11 and 67.

Agriculture—Senate bill No. 15.

The following standing committee has today filed unfavorable report on bills as follows:

Revenue and Taxation—House bills Nos. 46, 6 and 19.

#### EIGHTH DAY.

(Tuesday, May 29, 1923.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and developed the fact that there was not a quorum present.

Mr. Carpenter of Dallas moved a call of the House for the purpose of securing and maintaining a quorum until 12 o'clock m. today, and the call was duly seconded.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Barker, the Sergeant-at-Arms was instructed to bring in all absentees within the city.

The roll was again called and the following members were present:

Arnold.  
Avis.  
Baker of Milam.  
Barker.  
Barrett.  
Beasley.  
Bell.  
Bird.  
Bonham.  
Burmeister.  
Cable.  
Carpenter  
of Dallas.  
Carpenter  
of Matagorda.  
Carson.  
Carter of Coke.  
Carter of Hays.  
Chitwood.  
Coffee.  
Collins.  
Covey.  
Cowen.  
Crawford.  
Culp.  
Davenport.  
Davis.  
DeBerry.  
Dodd.  
Downs.  
Driggers.  
Duffey.  
Dunlap.  
Dunn.  
Durham.  
Edwards.  
Faubion.  
Fields.  
Finlay.  
Frnka.  
Gipson.  
Green.  
Greer.  
Hardin of Erath.  
Harrington.  
Harris.  
Henderson  
of Marion.  
Henderson  
of McLennan.  
Hendricks.  
Howeth.  
Irwin.  
Jennings.  
Johnson.  
Kemble.  
Lackey.  
Laird.  
Lane.  
LeMaster.  
LeSturgeon.  
Lewis.  
Loftin.  
Looney.

McBride.  
McDaniel.  
McDonald.  
McFarlane.  
McKean.  
McNatt.  
Martin.  
Mathes.  
Maxwell.  
Melson.  
Merritt.  
Miller.  
Montgomery.  
Moore.  
Morgan  
of Liberty.  
Morgan  
of Robertson.  
Pate.  
Patman.  
Perdue.  
Pinkston.  
Pool.  
Pope.  
Potter.  
Price.  
Purl.  
Quaid.  
Quinn.  
Rice.  
Robinson.  
Russell  
of Callahan.  
Russell of Trinity.  
Sanford.  
Satterwhite.  
Shearer.  
Shires.  
Simpson.  
Smith.  
Sparkman.  
Stell.  
Stevens.  
Stewart  
of Edwards.  
Stewart  
of Galveston.  
Stewart of Jasper.  
Stewart of Reeves.  
Stiernberg.  
Storey.  
Stroder.  
Teer.  
Thompson.  
Thrasher.  
Turner.  
Vaughan.  
Wallace.  
Wells.  
Westbrook.  
Wilmons.  
Winfree.  
Young.

Absent.

Amsler.

Baldwin.